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6 Dustin Michael Thompson

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**

9 United States of America)
10 Plaintiff) CR-09-386-PHX-ROS
11 vs.)
12)
13 Dustin Michael Thompson)
14 Defendant)

)

15 Excludable delay, pursuant to 18 U.S.C. Sec. 3161(h)(1)(F), will not occur as a
16 result of the Defendant's memorandum.
17

18 Attorney for the Defendant, Dustin Michael Thompson, submits the following
19 supplemental memorandum regarding the disposition of other defendants in mortgage
fraud cases.
20

21

22 RESPECTFULLY SUBMITTED March 15, 2011
23

24 /s/Patrick E. McGillicuddy
25 Patrick E. McGillicuddy
Attorney for Defendant
Dustin Michael Thompson
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MEMORANDUM

Following the filing of his sentencing memorandum, counsel for the Defendant reviewed a spread sheet from Patricia Gitre, Esq., who has defended several mortgage cases in Federal District Court. A spread sheet of all Defendants is attached to this memorandum and counsel will discuss the sentences imposed on other Defendants in mortgage fraud cases. Counsel did not have this information available at the time he prepared his sentencing memorandum.

In United States v. Sharpe, CR 07-544, Defendant Sharpe received 88 months.

10 Dkt 398. Defendant Love received 14 months. Dkt 411. Defendant Sellers received 24
11 months. Dkt 418. Defendant Dozzell received 45 months. Dkt 408. Defendant Bowens
12 received 48 months. Dkt 433. The Indictment did not specify the extent of the total
13 loss, nor did it seek to forfeit a certain amount of cash, but rather real property,
14 without stating the value thereof. Dkt 3, pp.35-39. It appears from a review of the
15 Indictment that numerous properties were obtained by the Defendants through fraud.

16 Counsel has reviewed the plea agreements for Defendant's Sharpe, Dkt 399,
17 Dozzell, Dkt 409, Love, Dkt 412, Sellers, Dkt 419 and Bowens, Dkt 437. None of
18 these Defendants cooperated with the Government, according to the plea agreements.

19 In United States v. Crandell CR-08-255, the Government alleged that
20 approximately 12.7 million dollars in loans were obtained pursuant to the scheme
21 alleged in the Indictment. Dkt 3, pp.11-14. The Government sought to forfeit 4 million
22 dollars cash. Dkt 3, p. 14.

23 In Crandell, Defendant Crandell received 62 months in prison.
24 Dkt 259. Defendant Whitman received 10 months in prison.Dkt 258. Whitman entered
25 into a cooperation plea agreement with the Government. Dkt 146. Defendant
26 Leastman received 1 day in prison with 5 years supervised release. Dkt 268.

28

1 Defendant Crum received 4 months in prison. Dkt 266. Crum entered into a
2 cooperation agreement with the Government. Dkt 100. The Government dismissed the
3 Indictment against Defendant Holm. Dkt 177. Holm had been released at the
4 beginning of the case. Dkts 36, 45.

5 In Crandell, cooperating Defendants received no more than 10 months in
6 prison. Defendant Leastman received 1 day in prison, and did not appear to have
7 cooperated with the Government.

8 The Defendant in this case cooperated with the Government and has served
9 approximately 9 months in pre-trial detention. Counsel submits that this is a
10 reasonable sentence, and one that is not disparate with other cooperators in other
11 cases, and should be the sentence imposed in this case.

12
13 RESPECTFULLY SUBMITTED March 15, 2011

14 /s/ Patrick E. McGillicuddy
15 Attorney for Defendant
Dustin Michael Thompson

16
17 CERTIFICATE OF SERVICE
18 I hereby certify that on March 15, 2011 I electronically transmitted by CM/ECF System for filing:
19 Courtesy copy email to chambers:
20 silver_chambers@azd.uscourts.gov

21 Honorable Roslyn.O. Silver
22 United States Court
U.S. District Court Judge
23 401 West Washington
Phoenix, Arizona 85003
24

25 /s Patrick E. McGillicuddy
26 Attorney for Defendant
Dustin Michael Thompson

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| Cash Back Mortgage Fraud Convictions 2008-2011 | | | | | | | | |
|--|---------------------|-------------------------|---|---------------------|---------------------------------|-----------------------------------|-------------------------------|-----------------------------|
| DEFENDANT (last name, first name) | CR # | NUMBER OF PROPERTIES | LOSS AMOUNT ¹ | ROLE | CRIMINAL HISTORY CATEGORY | SKI.I DEPARTURE (Yes or No) | Plea Agreement (Yes or No) | SENTENCE |
| Sharpe, Lutrell | CR-07-00544-PHX-ROS | 6 | Stipulated \$400,000 to \$1,000,000 | Investor/Leader | IV | No | Y | 88 months BOP |
| Bowens, Micah | CR-07-00544-PHX-ROS | 12 | \$920,910.28 | Investor/Leader | III | No | Y | 44 months BOP |
| Sellers, Jennifer | CR-07-00544-PHX-ROS | 19 | \$1,753,346.49 | Real Estate Agent | I | No | Y | 24 months BOP |
| Dozzell, Marcus | CR-07-00544-PHX-ROS | 12 | \$2,526,385.39 | Investor | I | No | Y | 44 months BOP |
| Love, Alonzo | CR-07-00544-PHX-ROS | 3 | \$354,782.22 | Investor | III | No | Y | 14 months BOP |
| Bernadel, Mario | CR-08-00256-PHX-SMM | 19 | \$9,440,914.00 | Investor/Leader | II | No | N (trial) | 200 months BOP |
| Lucero, April | CR-08-00256-PHX-SMM | 21 | \$7,043,640.00 | Loan Officer/Leader | I | Yes | Y | 24 months BOP |
| | | | Stipulated \$1,000,000 to \$2,500,000 | | | | | |
| Adorno, Amanda | CR-08-00256-PHX-SMM | 37 | \$8,769,914.00 | Loan Officer | I | Yes (testified) | Y | 5 yrs supervised release |
| Bartlemeus, Christopher | CR-08-00256-PHX-SMM | 37 | | Escrow Officer | I | Yes (testified) | Y | 1 month BOP |
| Branch, Marcos | CR-08-00256-PHX-SMM | 4 | \$1,820,000.00 | Loan Officer | I | Yes (testified) | Y | 5 yrs supervised release |
| Parrish, Brittany | CR-08-00256-PHX-SMM | 4 | \$829,500.00 | Loan Officer | I | Yes | Y | 5 yrs supervised release |
| Guzman, Fabian | CR-08-00598-PHX-JAT | 4 | \$997,000.00 | Loan Officer | I | Yes | Y | 14 months BOP |
| Olson, Carl | CR-08-00598-PHX-JAT | 6 | \$3,308,500.00 | Accountant | II | Yes | Y | 5 yrs supervised release |
| Benjamin, Andrew | CR-08-00598-PHX-JAT | 3 | \$794,100.00 | Loan Officer | I | Yes | Y | 5 yrs supervised release |
| Pirwitz, Christopher | CR-08-00598-PHX-JAT | 3 | \$1,244,000.00 | Loan Officer | I | Yes | Y | 5 yrs supervised release |
| Valdez, Ana | CR-08-00598-PHX-JAT | 2 | \$906,500.00 | Straw Buyer | I | No | Y | 14 months BOP |
| Crandell, Jeffrey | CR-08-00255-PHX-GMS | 12 | \$1,648,359.00 | Loan Officer/Leader | I | No | Y | 64 months BOP |
| Whitman, Jake | CR-08-00255-PHX-GMS | 10 | \$2,193,272.00 | Loan Officer/Leader | I | Yes | Y | 10 months BOP |
| | | | | | | | | |
| Leastman, Erin | CR-08-00255-PHX-GMS | 19 | \$3,292,101.00 | Escrow Officer | I | Yes | Y | 5 yrs supervised release |
| Crum, Fred | CR-08-00255-PHX-GMS | 3 | \$578,843.00 | Loan Officer | I | Yes | Y | 4 months BOP |
| Babeti, Gheorghe | CR-08-00612-PHX-NVW | 10 | \$2,285,722.00 | Straw Buyer | I | No | Y | 14 months BOP |
| Azadegan, Brandon | CR-08-00612-PHX-NVW | 4 | \$1,189,350.00 | Investor | III | Yes | Y | 18 months BOP |
| Swallows, Natasha | CR-08-00612-PHX-NVW | 6 | \$3,670,000.00 | Real Estate Agent | I | Yes | Y | 2 yrs probation |
| Dobos, Samuel | CR-08-00612-PHX-NVW | 25 | \$6,659,540.00 | Investor | III | Yes (testified) | Y | 27 months BOP |
| Dobos, Georgiana | CR-08-00612-PHX-NVW | 25 | \$6,659,540.00 | Real Estate Agent | I | Yes | Y | 27 months BOP |
| | | | | | | | | |
| Zebarth, Catherine | CR-08-00612-PHX-NVW | 6 | \$1,185,200.00 | Loan Officer | I | Yes (testified) | Y | 2 yrs supervised release |
| Mejia, Christina | CR-08-00612-PHX-NVW | 6 | \$3,485,668.00 | Escrow Officer | I | Yes (testified) | Y | 2 yrs probation |
| Irimiciuc, Dorel | CR-08-00612-PHX-NVW | 2 | \$669,500.00 | Straw Buyer | I | Yes (testified) | Y | 2 yrs probation |
| Fife, Roy | CR-08-00744-TUC-CKJ | 17 | \$3,400,000.00 | Realtor | II | Yes | Y | 30 months BOP |
| Nero, Chris | CR-08-00744-TUC-CKJ | 17 | \$3,600,000.00 | Facilitator | III | No | Y | 58 months BOP |
| | | | Stipulated \$200,000 to \$400,000 | | | | | |
| Rotari, Doru | CR-09-01171-PHX-SRB | 3 | | Investor | II | Yes | Y | 18 months BOP |

¹ The loss amounts in CR-07-00544-PHX-ROS include losses associated with vehicle purchases. The portions related to vehicle purchases are: Sharpe (\$342,578.61), Bowens (\$123,536.81), Sellers (\$94,688.95), M. Dozzell (\$367,741.97), and Love (\$52,245.58)